

CHARTER
OF THE
Town of Centreville
QUEEN ANNE'S COUNTY, MARYLAND

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CENTREVILLE

ARTICLE I Incorporation

Section 101. Corporate Name.

This charter is the municipal corporation charter of the Town of Centreville, Queen Anne's County, Maryland, the corporate name of which is "The Town of Council [Council of] Centreville."

Section 102. Definitions.

- a. The terms "town," "city," "municipality," or "municipal corporation" in this charter shall be construed as synonymous.
- b. Whenever the male gender is used, the provisions of that section shall apply equally to the female gender.

Section 103. Corporate Status.

The municipal corporation here continued, under its corporate name, has all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the charter and the corporate existence are legally abrogated.

Section 104. Description of Corporate Boundaries.

A description of the corporate boundaries of the town at all times shall be on file with the town clerk or other comparable official and with the clerk of the court of the county. The corporate boundaries are as follows:

BEGINNING FOR THE SAME at a point in the center of the highway bridge or culvert over the Three Bridge Branch on the Centreville–Church Hill Road (U.S. Route 213), and running:

(a) THENCE, by and with the northerly line of the lands of Mary M. Callahan, South 88° 42' East 262.00 feet to a stone set at the northeasterly corner of the aforesaid lot and in the line of other lands of Callahan and Peter Debus;

(b) THENCE, by and with the line of the lands of said Callahan and said Peter Debus, South 82° 32' East 315.30 feet to a point in the line of the lands of Joseph S. Quimby;

(c) THENCE, by and with the division line between the lands of Callahan, the lands, of Joseph S. Quimby and the lands of Centreville Heights Subdivision, South 03° 40' East

2341.50 feet to the center of Maryland Route 305, passing in transit a granite stone set on the aforesaid line, 25.00 feet from the end thereof;

(d) THENCE, by and with the division line between the lands of the aforesaid Joseph S. Quimby, the lands of Elijah W. Sterling and the lands of King Foods, Inc., South 02° 06' East 1572.50 feet to a fence post;

(e) THENCE, leaving the lands of Quimby and the lands of King Foods, Inc., and binding on the line between the lands of Little Hut, Inc., and the Board of Education of Queen Anne's County, South 29° 55' West 537.50 feet to the center of the Pennsylvania Railroad track;

(f) THENCE, still binding on the line of the lands between the aforesaid Little Hut, Inc., and the aforesaid Board of Education of Queen Anne's County, South 28° 05' West 1693.40 feet to a point in the center of Centreville–Ruthsburg State Road, known now as Maryland Route 304; passing in transit a granite stone set 25.00 feet from the end thereof;

(g) THENCE, crossing through the lands of Mary F. Brown, and the lands of Lois S. Duffey and binding on the line of the lands of Franklin S. Wharton, South 70° 08' West 6382.90 feet to a granite stone set on the westerly side of U.S. Route 213 and on the southerly line of the lands of Walter W. Pippin;

(h) THENCE, binding on the division line between the aforesaid Walter W. Pippin, the lands of S. E. W. Friel, Jr. and the lands of Ruth B. Gadd, North 56° 45' West 1031.10 feet to a granite stone set on the southerly side of Maryland Route 18 South 56° 45' East 60.00 feet from the center of said road;

(i) THENCE, binding on the line of the lands of Charles E. Boone, and crossing the lands of John M. Ashley, North 25° 26' East 3651.90 feet to a stone placed on the southerly bank of Mill Stream Branch near the southwesterly corner of the old Railroad Bridge over the aforesaid branch. This stone also marks a corner of the original bounds of the corporate limits of Centreville;

(j) THENCE, binding along the marsh lands of the Mill Stream and now known as Mill Stream Park, the following courses and distances: North 03° 26' West 1173.50 feet to a point, North 19° 05' West 1934.00 feet to a point, and North 23° 49' East 867.40 feet to the center of the highway bridge over the said Mill Stream Branch on Maryland Route 304;

(k) THENCE, by and with the waters of said Mill Stream Branch and Centreville Wharf or Landing, North 37° 36' East 1153.17 feet to the northwest corner of the lands of Arthur Kudner;

(l) THENCE, by and with said lands of Kudner, South 51° 46' East 140.7 feet to a point and South 42° 04' East 161.4 feet to a point on the northerly side of the public road leading to the bridge crossing the East Branch of the Corsica River to Spaniards Neck, known as Watson Road;

THENCE, leaving the 1956 Corporate Boundary and running for five (5) new lines of annexation which contain 3.90 acres more or less as annexed by the Town of Centreville in 1981;

(m) THENCE, crossing said Watson Road, South 32° 18' 48" East 35.29 feet to a point on the shore of said Corsica River;

(n) THENCE, by and with the mean high water line of said Corsica River and the lands of Kudner the two (2) following courses and distances: South 11° 53' 24" East 273.49 feet and South 10° 19' 45" West 183.66 feet to the lands of David Almquist;

(o) THENCE, with said Almquist lands, South 30° 36' 58" East 64.31 feet to the land now or formerly of Gerald R. Lins;

(p) THENCE, leaving said Corsica River and by and running with said Lins and Almquist lands, South 59° 56' 50" West 302.87 feet to a point in the original 1956 Corporate Limits of the Town of Centreville;

(q) THENCE, crossing the Lins lands and the lands of Clayton C. Carter and with the marshland of Yellow Bank Stream (a part of Corsica River), South 53° 37' East 654.71 feet to a concrete marker and North 27° 21' East 679.46 feet to a concrete marker;

(r) THENCE, leaving the 1956 corporate boundary and running for six (6) new lines of annexation which subtend an additional 16.493 acres of land, more or less, as annexed by the Town of Centreville in 1987, North 27° 21' [21'] 00" East 500.00 feet to a point in the center of Yellow Bank Stream.

(s) THENCE, with Yellow Bank Stream the five (5) following courses and distances: South 83° 09' 40" East 358.12 feet to a point, South 21° 41' 40" East 580.52 feet to a point, South 65° 56' 50" East 280.18 feet to a point, South 31° 10' 00" East 416.08 feet to a point and South 17° 17' 40" East 474.10 feet to a point on the original 1956 Corporate Boundaries of the Town of Centreville.

(t) THENCE, with the original 1956 corporate boundary line, South 53° 05' East 290.00 feet to a point and North 62° 17' East 360.00 feet to a point.

(u) THENCE, leaving the 1956 corporate boundary and running for eighteen (18) lines of annexation along the center of Three Bridges Branch subtending 21.480 acres of land, more or less annexed by the Town of Centreville in 1987, North 13° 20' 10" East 278.37 feet to a point, North 26° 35' 50" East 146.99 feet to a point, North 00° 51' 30" West 231.94 feet to a point, North 81° 23' 40" East 198.07 feet to a point, North 63° 08' 20" East 130.38 feet to a point, North 17° 35' 20" East 349.13 feet to a point, South 54° 07' 00" East 245.83 feet to a point, North 71° 56' 00" East 236.24 feet to a point, North 39° 35' 50" East 238.76 feet to a point, North 13° 38' 40" East 276.65 feet to a point, South 85° 23' 10" East 114.53 feet to a point, North 33° 51' 10" East 115.43 feet to a point, South 24° 50' 50" East 185.27 feet to a point, North 83° 51' 10" East 105.57 feet to a point, South 39° 21' 10" East 74.19 feet to a point, North 72° 13' [13'] 40"

East 101.95 feet to a point, North 19° 56' 30" East 96.73 feet to a point at the intersection of the division line between the lands of Keith E. Wolfe and the herein described annexed lands of Clayton C. Carter.

(v) THENCE, Leaving Three Bridges Branch and binding on the division line between the Wolfe Lands and the herein described annexed Carter Lands South 09° 42' 50" West 579.22 feet to a point on the 1956 corporate boundary.

(w) THENCE, leaving the annexed Carter Lands and binding on the original 1956 corporate boundary line through the lands of Keith E. Wolfe, North 62° 17' East 471.68 feet to a point.

(x) THENCE, leaving the 1956 corporate boundary line and running for two (2) new lines of annexation which subtend 1.106 acres of land, more or less, as annexed by the Town of Centreville in 1987 binding on the division line between the Wolfe Lands and the lands of Lawrence Callahan, North 18° 36' 30" East 359.79 feet to a point in the center of Three Bridges Branch.

(y) THENCE, leaving the Wolfe Lands and binding on the center of Three Bridges Branch, South 54° 54' 00" East 279.31 feet to a point in the center of Maryland Route 213 and the place of beginning. Containing in all, 1,007.759 acres of land, more or less. (Res. No. 163, 8-26-88.)

Section 105. 1994 Annexation.

BEGINNING for the same at a point on the easternmost right-of-line of Maryland Route 213 a sixty (60) foot wide right-of-way. Said beginning point further being North 70 degrees 08 minutes 00 seconds East 84.65 feet from a granite monument found at the end of the South 70 degree 08 minutes West 6,382.90 feet line as set forth in the Charter of the Town of Centreville in Section 104 under the description of Corporate Boundaries Item "G" [(g)].

THENCE leaving said beginning point so fixed and binding along the Corporate Line for the Town of Centreville North 70 degrees 08 minutes 00 seconds East 2,707.59 feet to a point in the line of the lands of Margaret F. MacGlashan, Et.Al. see Liber M.W.M. 379, folio 897.

THENCE binding along the aforementioned MacGlashan lands and with an existing fence line seventeen (17) following courses and distances: (1) South 02 degrees 14 minutes 07 seconds West 1.84 feet to a point; (2) South 28 degrees 34 minutes 55 seconds West 79.22 feet to a point; (3) South 45 degrees 37 minutes 35 seconds West 89.19 feet to a point; (4) South 13 degrees 11 minutes 41 seconds West 98.48 feet to a point; (5) South 15 degrees 59 minutes 35 seconds East 185.08 feet to a point; (6) South 26 degrees 10 minutes 07 seconds East 185.51 feet to a point; (7) South 12 degrees 50 minutes 22 seconds East 130.08 feet to a point; (8) South 28 degrees 36 minutes 40 seconds East 105.80 feet to a point; (9) South 57 degrees 55 minutes 09 seconds East 57.95 feet to a point; (10) South 25 degrees 21 minutes 11 seconds East 73.19 feet to a point; (11) South 16 degrees 37 minutes 47 seconds East 260.51 feet to a point; (12) South 07 degrees 26 minutes 34 seconds East 98.52 feet to a point; (13) South 19 degrees 29 minutes

35 seconds East 78.78 feet to a point; (14) South 39 degrees 03 minutes 41 seconds East 71.56 feet to a point; (15) South 65 degrees 10 minutes 53 seconds East 135.07 feet to a point; (16) South 26 degrees 20 minutes 16 seconds East 38.23 feet to a point; (17) South 09 degrees 05 minutes 18 seconds West 114.40 feet to an iron rod set at the corner of the Lands of Nicholas I. Wood see Liber C.W.C. 100, folio 447.

THENCE binding along the aforementioned Wood lands and with an existing fence line the three (3) following courses and distances: (1) South 89 degrees 01 minutes 24 seconds West 1,189.92 feet to an iron rod set; (2) South 30 degrees 57 minutes 21 seconds West 1,197.15 feet to an iron rod set; (3) North 71 degrees 54 minutes 11 seconds West 1,482.48 feet to an iron rod set on the easternmost right-of-way line the aforementioned Route 213.

THENCE binding for the same and with the arc of a curve to the right 133.31 feet to a point. Said curve being scribed by a chord North 03 degrees 51 minutes 49 seconds East 133.26 feet and having a radius of 1,369.90 feet. Thence North 06 degrees 39 minutes 06 seconds East 651.80 feet to a point.

THENCE binding along the arc of a curve to the right 479.46 feet to a point at the place of beginning. Said curve being scribed by a chord of North 16 degrees 25 minutes 37 seconds East 477.14 feet and having a radius of 1,405.12 feet.

CONTAINING in all 104.60 acres of land, more or less, as surveyed by Rauch, Walls and Lane, Inc., Registered Professional Engineers and Surveyors, in March, 1992. (Res. No. 203, 10-2-94.) (See note (2))

Section 106. 1999 Annexation.

BEGINNING for the same at a stone found along the northernmost corporate boundary of the Town of Centreville, said beginning point being located at the end of the South 88° 42' East 262.00 foot line, as described in Article One, Section 104(a) of the Centreville Town Charter, said beginning point being further located at the intersection of the division line between the lands of Lawrence Callahan, et al, (see M.W.M. 399/349), the lands of R & S Development, LLC (see S.M. 627/501), and the lands now or formerly of Joseph S. Quimby, Jr., et al (see N.B.W. 8/231), as shown on a plat entitled "PLAT OF PROPOSED ANNEXATION TO THE TOWN OF CENTREVILLE OF PART OF THE LANDS OF LAWRENCE CALLAHAN, ET AL, AND THE LANDS OF R & S DEVELOPMENT, LLC", which is attached hereto;

THENCE leaving said beginning point so fixed and binding on the aforesaid course of the corporate boundary of the Town of Centreville reversed, and described pursuant North American Datum 1983/1991;

North 88° 37' 10" West 208.83 feet to a point located along the easternmost right-of-way line of Maryland Route 213;

THENCE leaving the corporate boundary of the Town of Centreville, and binding on the aforesaid easternmost right-of-way line of Maryland Route 213, the following nineteen (19) courses and distances;

- (2) North 20° 09' 37" East 27.62 feet to a point;
- (3) North 69° 50' 23" West 20.00 feet to a point and;
- (4) North 20° 09' 37" East 83.35 feet to a point of curvature;

THENCE with the arc of a curve to the left 140.16 feet to a point, said curve having a radius of 1195.00 feet and scribed by a chord of;

- (1) North 16° 48' 01" East 140.08 feet;
- (6) North 24° 00' 57" East 106.31 feet to a point;
- (7) North 05° 06' 09" East 103.51 feet to a point;
- (8) North 05° 53' 08" East 100.02 feet to a point;
- (9) North 01° 18' 22" East 100.18 feet to a point;
- (10) North 00° 09' 57" East 100.32 feet to a point;
- (11) North 06° 40' 05" East 98.57 feet to a point;
- (12) North 05° 42' 39" East 98.25 feet to a point;
- (13) North 10° 38' 52" East 98.26 feet to a point;
- (14) North 13° 50' 07" East 98.25 feet to a point;
- (15) North 12° 39' 44" East 199.70 feet to a point;
- (16) North 15° 17' 51" East 100.00 feet to a point;
- (17) North 16° 43' 46" East 200.06 feet to a point;
- (18) North 14° 43' 28" East 100.00 feet to a point;
- (19) North 16° 26' 35" East 100.02 feet to a point; and

(20) North 15° 17' 51" East 98.41 feet to an iron rod set at the southwesternmost corner of the lands now or formerly of Lawrence E. Smith, et ux. (see S.M. 529/739);

THENCE leaving Maryland Route 213 and binding on the perimeter boundary of the aforesaid Smith lands, the three (3) following courses and distances;

(21) South $74^{\circ} 20' 01''$ East 326.46 feet to a concrete monument found;

(22) North $15^{\circ} 39' 59''$ East 267.50 feet to a concrete monument found; and

(23) North $74^{\circ} 20' 01''$ West 327.86 feet to an iron rod set along the easternmost right-of-way line of the aforementioned Maryland Route 213;

THENCE leaving the Smith lands and binding on the easternmost right-of-way line of Maryland Route 213, the seven (7) following courses and distances;

(24) North $18^{\circ} 35' 50''$ East 33.86 feet to a point;

(25) North $12^{\circ} 18' 04''$ East 100.18 feet to a point;

(26) North $15^{\circ} 44' 05''$ East 500.00 feet to a point;

(27) North $16^{\circ} 52' 50''$ East 200.04 feet to a point;

(28) North $15^{\circ} 44' 05''$ East 200.00 feet to a point;

(29) North $14^{\circ} 35' 20''$ East 217.53 feet to a point; and

(30) North $16^{\circ} 31' 47''$ East 575.74 feet to an iron rod set at the southwesternmost corner of the lands now or formerly of William V. Riggs, III, et al, (see S.M. 607/671).

THENCE leaving Maryland Route 213 and binding on the southernmost outline of the aforesaid Riggs lands;

(31) South $57^{\circ} 51' 27''$ East 3192.69 feet to a stone found along the westernmost outline of the lands now or formerly of William W. Kling, et ux. (see C.W.C. 124/186);

THENCE leaving the Riggs lands and binding on the westernmost outlines of the aforesaid Kling lands, the two (2) following courses and distances;

(32) $57^{\circ} 51' 27''$ east 76.16 feet to an iron rod set;

THENCE binding on the remnants of an existing fence line;

(33) South 30° 38' 33" West 2446.95 feet to an iron rod set along the northernmost outline of the aforementioned lands now or formerly of Joseph S. Quimby, Jr. et al. (see N.B.W. 8/231);

THENCE leaving the Kling lands and binding on the northernmost outline of the aforesaid Quimby lands, the five (5) following courses and distances;

(34) North 83° 21' 27" West 2062.50 feet to an iron rod set;

(35) South 21° 38' 33" West 132.00 feet to an iron rod set;

(36) South 49° 38' 33" West 165.00 feet to an iron rod set;

(37) South 25° 38' 33" West 66.00 feet to an iron rod set; and

(38) South 40° 59' 02" West 38.70 feet to the place of beginning.

Containing in all 197.353 acres of land, more or less, as surveyed by McCrone, Inc., Registered Professional Engineers and Land Surveyors, in October of 1998. (Res. No. 2-99, 8-20-99.)

ARTICLE II

The Council

Section 201. Number of Councilmembers; Selection; Term.

All powers of the town are vested in a council consisting of three councilmembers who shall be elected as hereinafter provided and who shall hold office for a term of three years or until the succeeding council takes office. The regular term of councilmembers shall expire on the second Thursday following the election of their successors. Councilmembers holding office at the time this charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding council takes office under the provisions of this charter.

Section 202. Qualifications of Councilmembers.

Councilmembers shall be at least 25 years of age, have resided in the town for at least two years immediately preceding their election and shall be registered voters of the town for at least six months preceding their election. Any Council member who ceases to reside in the town during his or her term of office shall immediately resign, terminating his or her membership on the Town Council. The vacancy created by the resignation of any Council member's position shall be filled as set forth in Section 414 of this Charter. (Res. No. 154, 8-21-87.)

Section 203. Salary of Councilmembers.

Each councilmember shall receive an annual salary which shall be equal for all councilmembers and shall be as specified from time to time by an ordinance passed by the council in the regular course of its business; provided, however, that the salary specified at the time any council takes office shall not be changed during the period for which that council was elected. The ordinance making any change in the salary paid to the several councilmembers, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding council and shall take effect only as to the members of the next succeeding council.

Section 204. Meeting of Council.

The newly elected council shall meet at 8:00 p.m. on the second Thursday following its election for the purpose of organization, after which the council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the town manager upon the request of a majority of the members of the council. All meetings of the council shall be open to the public, and the rules of the council shall provide that residents of the town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question.

Section 205. Council to be Judge of Qualifications of its Members.

The council shall be the judge of the election and qualifications of its members.

Section 206. President and Vice-President of Council.

The council shall, at the first regular meeting to be held after the election of each, elect from among themselves one person as president of the council and one person as vice-president. The president shall preside over all council meetings, may vote, take part in all council discussions and serve as the titular head of the town government for ceremonial purposes. The vice-president shall act as president in the absence of that officer.

Section 207. Quorum.

A majority of the members of the council shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of a majority of the whole number of members elected to the council.

Section 208. Rules and Order of Business; Journal.

The council shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance, or at any other time if required by any one member. The journal shall be open to public inspection.

Section 209. Passage of Ordinances; Publication; Effective Date.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the council held not less than six nor more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of two members of the council. Every ordinance unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty calendar days following enactment. A fair summary of each ordinance shall be published at last twice in a newspaper or newspapers having general circulation in the town. An emergency ordinance shall become effective on the date specified in the ordinance.

Section 210. Referendum.

If, before the expiration of twenty calendar days following enactment of any ordinance, a petition is filed with the council containing the signatures of not less than twenty per centum (20%) of the qualified voters of the town and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the town for their approval or disapproval, the council shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the town at the next regular town election or, in the council's discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance or any part thereof, has not been submitted to the qualified voters within sixty days following receipt of the petition, the operation of the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, levying property taxes for the payment of indebtedness but the provisions of this section shall apply to any ordinance, or any part thereof, levying special assessment charges under the provisions of this charter. The provisions of this section shall be self-executing, but the council may adopt ordinances in furtherance of these provisions and not in conflict with them.

ARTICLE III

Powers of the Town

Section 301. Powers of Council Enumerated.

(a) *General Powers.* The council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this charter as it may deem necessary for the good government of the town; for the protection and preservation of the town's

property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the town.

(b) *Specific Powers.* The council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the specific purposes provided in the remaining subsections of this section.

(1) *Advertising.* To provide for advertising for the purposes of the town, for printing and publishing statements as to the business of the town.

(2) *Aisles and Doors.* To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.

(3) *Amusements.* To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.

(4) *Appropriations.* To appropriate municipal moneys for any purpose within the powers of the council.

(5) *Auctioneers.* To regulate the sale of all kinds of property at auction within the town and to license auctioneers.

(6) *Band.* To establish a municipal band, symphony orchestra or other musical organization, and to regulate by ordinance the conduct and policies thereof.

(7) *Billboards.* To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the city, the placing of signs, bills, and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the town.

(8) *Boards, commissions and committees.* To appoint such boards, commissions and committees as may be necessary to the health, welfare and safety of the citizens. The authority and responsibility for each such group appointed shall be prescribed in the ordinance which creates it.

(9) *Bridges.* To erect and maintain bridges.

(10) *Buildings.* To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the town, and to grant building permits for them; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

(11) *Cemeteries*. To regulate the interment of bodies and operation of the town cemetery as prescribed elsewhere in this charter.

(12) *Codification of Ordinances*. To provide for the codification of all ordinances.

(13) *Community Services*. To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the town.

(14) *Cooperative Activities*. To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

(15) *Curfew*. To prohibit the youth of the town from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

(16) *Dangerous Improvements*. To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

(17) *Departments*. To create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this charter; to assign additional functions or duties to offices, departments, or agencies established by this charter but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this charter to a particular office, department, or agency.

(18) *Dogs*. To regulate the keeping of dogs in the town and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of them; to provide for the disposition of homeless dogs and of dogs on which no license fee or taxes are paid.

(19) *Elevators*. To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

(20) *Explosives and combustibles*. To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.

(21) *Filth*. To compel the occupant of any premises, building, or outhouse situated in the town, if it has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants to authorize such work to be done by the proper officers and to assess the expense thereof against the property, making it collectible by taxes or against the occupant or occupants.

(22) *Finances.* To levy, assess, and collect all lawful municipal taxes, to expend municipal funds for any public purpose; to have general management and control of the finances of the town.

(23) *Fire.* To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the town; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of town fire-hazard regulations are met; to install and maintain fireplugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.

(24) *Food.* To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of, any food products.

(25) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the town, subject to the limitation and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty years.

(26) *Garbage.* To prevent the deposit of any unwholesome substance either on private or public property and to compel its removal to designated points; to require slops, garbage, ashes, and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(27) *Grants-in-aid.* To accept gifts and grants of federal or of State funds from the federal or state governments or any agency thereof, and to expend the funds for any lawful purpose, agreeably to the conditions under which the gifts or grants were made.

(28) *Hawkers.* To license, tax, regulate, suppress, and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles on the streets of the town, and to revoke such licenses for any action or threat of action by such a licensee in the course of his occupation which causes or threatens harm or injury to inhabitants of the town or to their welfare or happiness.

(29) *Health.* To protect and preserve the health of the town and its inhabitants; to prevent the introduction of contagious diseases into the town; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the county board of health, or any public general or local law relating to the subject of health.

(30) *House numbers.* To regulate the numbering of houses and lots and to compel owners to renumber them, or in default thereof to authorize and require the work to be done by the town at the owner's expense, such expense to constitute a lien upon the property collectible as tax moneys.

(31) *Jail.* To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the town or to use the county jail for such purpose.

(32) *Licenses.* Subject to any restrictions imposed by the public general laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the town for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this charter.

(33) *Liens.* To provide that any valid charges, taxes, or assessments made against any real property within the town shall be liens upon the property, to be collected as municipal taxes are collected.

(34) *Lights.* To provide for the lighting of the town.

(35) *Livestock.* To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs, or other animals, [;] to authorize the impounding, keeping, sale, and redemption of such animals when found in violation of the ordinance in such cases provided.

(36) *Markets.* To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the town.

(37) *Minor privileges.* To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares, and merchandise.

(38) *Noise.* To regulate or prohibit unreasonable ringing of bells, crying of goods, or sounding of whistles and horns.

(39) *Nuisances.* To prevent or abate by appropriate ordinance all nuisances in the town which are so defined at common law, by this charter, or by the laws of the State of Maryland, whether they be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health. In this connection, the town may regulate, prohibit, control the location of, or require the removal from the town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of enumeration, not limitation.

(40) *Obstructions.* To remove all nuisances and obstructions from the streets, lanes, and alleys and from any lots adjoining thereto, or any other places within the limits of the town.

(41) *Parking facilities.* To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate, and maintain parking lots and other facilities for off-street parking.

(42) *Parking meters.* To install parking meters on the streets and public places of the town in such places as by ordinance they determine, and by ordinance to prescribe rates and provisions for the use thereof; but the installation of parking meters on any street or road maintained by the State Highway Administration must first be approved by the Administration.

(43) *Parks and recreation.* To establish and maintain public parks gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the town.

(44) *Police force.* To establish, operate, and maintain a police force.

(45) *Police Powers.* To enforce all laws of the city and state equally within the limits of the city.

To enforce all ordinances relating to disorderly conduct and the suppression of nuisances equally within the limits of the city and beyond those limits for one half mile or for so much of this distance as does not conflict with the powers of another municipal corporation.

(46) *Property.* To acquire by conveyance, purchase, or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty days' public notice of the proposed conveyance; to control, protect, and maintain public buildings, grounds, and property of the town.

(47) *Quarantine.* To establish quarantine regulations in the interest of the public health.

(48) *Regulations.* To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this charter.

(49) *Sidewalks.* To regulate the use of sidewalks and all structures in, under, or above them; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions; to prescribe hours for cleaning sidewalks.

(50) *Sweepings.* To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, or other unwholesome materials in to any public way or on any public or private property in the town.

(51) *Taxicabs.* To license, tax, and regulate public hackmen, taxicabmen, draymen, drivers, cabmen, porters and expressmen, and all other persons pursuing like occupations.

(52) *Vehicles.* To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

(53) *Voting machines.* To purchase, lease, borrow, install, and maintain voting machines for use in town elections.

(54) *Zoning.* To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, subject to the limitations and provisions of said article.

(55) *Saving Clause.* The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several subjects mentioned. (1955, ch. 258; 1966, ch. 572; 1977, ch. 765, Sec. 5.)

Section 302. Exercise of Powers.

For the purpose of carrying out the powers granted in this charter, the council may pass all necessary ordinances. All the powers of the town shall be exercised in the manner prescribed by this charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section 303. Enforcement of Ordinances.

To assure the observance of the ordinances of the town, the council has the power to provide that violation thereof shall be a misdemeanor and has the power to affix thereto penalties of a fine not exceeding five hundred dollars (\$500.00) or imprisonment for not exceeding ninety (90) days, or both such fine and imprisonment. Any person subject to any fine, forfeiture [forfeiture], or penalty by virtue of any ordinance passed under the authority of this charter has the right of appeal within ten days to the circuit court of the county in which the fine, forfeiture [forfeiture], or penalty was imposed. The council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first day or any succeeding conviction.

Section 304. Municipal Infractions.

(a) The council may provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance. For purposes of this article, a municipal infraction is a civil offense.

(b) A fine not to exceed \$100.00 may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality with [within] 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$200.00 for each repeat offense, and each day a violation continues shall constitute a separate offense.

(c) Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the town in writing of this intention at least five days prior to the date set for payment of the fine. Failure to pay the fine or to give notice of intent to stand trial may result in an additional fine or adjudication by the court.

(d) Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

ARTICLE IV

Registration, Nominations and Elections

Section 401. Qualifications of Voters.

Every person who (1) is a citizen of the United States, (2) is at least 18 years of age, (3) has resided within the corporate limits of the town for thirty days preceding any town election, and (4) is registered in accordance with the provisions of this charter, is a qualified voter of the town. Every qualified voter of the town is entitled to vote at all town elections. (Res. No. 197, 5-7-93.)

Section 402. Board of Supervisors of Elections.

There shall be a Board of Supervisors of Elections consisting of three members who shall be appointed by the council. The board serving at the time this charter becomes effective shall continue to serve for their appointed terms. A new member shall be appointed on or before the first Monday in February of each year to serve for three years. Members of the board of supervisors of elections shall be qualified voters of the town and shall not hold or be candidates for any elective office during their term of office. The board shall appoint one of its members as chair. Vacancies on the board shall be filled by the council for the remainder of the unexpired term. The compensation of the members of the board shall be determined by the council.

Section 403. Same – Removal of Members.

Any member of the board of supervisors of elections may be removed for good cause by the council, if in the judgment of the council the member is not properly performing or will not properly perform the duties of the position. Before removal, the member of the board of supervisors of elections to be removed shall be given a written copy of the charges and shall have a public hearing on them before the council if he or she so requests within ten days after receiving the written copy of the charges.

Section 404. Same – Duties.

The board of supervisors of elections shall be in charge of the registration of voters, nominations, and all town elections. The board may appoint election clerks or other employees to assist it in any of its duties.

Section 405. Notice of Registration Days and Elections.

The board of supervisors of elections shall give at least two weeks' notice of every registration day and every election by an advertisement published in at least one newspaper of general circulation in the town and by posting a notice thereof in some public place or places in the town. Registration with the Town Board of Elections does not qualify as registration for County Elections. (Res. No. 147, 9-26-86.)

Section 406. Registration.

There shall be a registration on the first Monday in March and August at the Town Hall of qualified persons not registered to vote. There shall be an evening registration at the Town Hall until 8:00 p.m. on the third Thursday in February and the first and third Thursday in March. The third Thursday in March will be the final day to register for any upcoming election. Residents may complete the necessary registration application at any time during the year by applying at the Town Hall during normal business hours. If necessary, the Council may designate additional days as registration days. Registration shall be permanent, and no person is entitled to vote in town elections unless registered. The Board of Supervisors of Elections shall keep the registration lists up to date by striking from the lists persons known to have died or to have moved out of the town. The Council shall by Ordinance adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for a re-registration when necessary. (Res. No. 147, 9-26-86.)

Section 407. Appeal from Action of Board of Supervisors of Elections.

If any person is aggrieved by the action of the board of supervisors of elections in refusing to register or in striking off the name of any person, or by any other action he or she may appeal to the council. Any decision or action of the council upon such appeals may be appealed to the circuit court for the county within the time allowed for such appeals.

Section 408. Filing Certificate of Nomination.

Persons may be nominated for elective office in the town by filing a certificate of nomination at the office of the board of supervisors of elections at least thirty days prior to any town election. No person shall file for nomination to more than one elective town public office or hold more than one elective public office at any one time.

Section 409. Election of Councilmembers.

On the first Monday in April of each year, the qualified voters of the town shall elect one person as councilmember to serve for a term of three years. The person elected shall replace the councilmember whose term is expiring.

Section 410. Conduct of Elections Generally.

It is the duty of the board of supervisors of elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this charter, arranged in alphabetical order by office with no party designation of any kind.

Section 411. Special Elections.

All special town elections shall be conducted by the board of supervisors of elections in the same manner and with the same personnel, as far as practicable, as regular town elections.

Section 412. Vote Count.

Within forty-eight hours after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question. Absentee ballots shall be counted manually. The Board of Supervisors of Elections shall certify the results of the election to the Council, which shall record the results in the minutes of the Council. The candidate with the highest number of vote [votes] in the general election shall be declared elected. (Res. No. 147, 9-26-86.)

Section 413. Preservation of Ballots.

All ballots, as well as the written records of voting machine tabulations, used in any town election shall be preserved for at least six months from the date of the election. Voting machines shall be sealed following the vote count until such time as the board of supervisors of elections can verify the written tabulations.

Section 414. Vacancies.

Vacancies on the council for any reason shall be filled in one of the ways prescribed below. All appointments or elections shall be only for the unexpired portion of that term.

(1) If the remainder of the term is less than six months, the council shall appoint some qualified person to serve the remainder of the term.

(2) If the remainder of the term is more than six months, a special election to fill the vacancy shall be held not less than forty nor more than sixty days following the occurrence of the vacancy. (Res. No. R-2-97, 4-25-97.)

Section 415. Women.

Women shall have equal privileges with men in registering, voting, and holding town offices.

Section 416. Regulation and Control by Council.

The council has the power to provide by ordinance in every respect not covered by the provisions of this charter for the conduct of registration, nomination, and town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.

Section 417. Penalties.

Any person who (1) fails to perform any duty required under the provisions of this subheading or any ordinances passed thereunder, (2) in any manner willfully or corruptly violates any of the provisions of this subheading or any ordinances passed thereunder, or (3) willfully or corruptly does anything which will or will tend to affect fraudulently any registration, nomination or town election, is guilty of a misdemeanor. Any officer or employee of the town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment.

ARTICLE V

Finance

Section 501. Appointment of Finance Officer.

The council shall appoint a qualified person to serve as finance officer of the town who shall serve at the pleasure of the council. This person shall be the chief financial officer of the town. The council may appoint the town manager to serve in this capacity.

Section 502. Finance Officer – Power and Duties.

Under the supervision of the town manager, the finance officer shall have authority and shall be required to:

- (1) Maintain a general accounting system for the town in such form as the council may require, not contrary to State law.
- (2) Submit at the end of each fiscal year, and at such other times as the council may require, a complete financial report to the council.
- (3) Ascertain that all taxable property within the town is assessed for taxation.

(4) Collect all taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the town, and all other revenues for whose collection the town is responsible, and receive any funds receivable by the town.

(5) Have custody of all public moneys belonging to or under the control of the town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the town.

(6) Do such other things in relation to the fiscal or financial affairs of the town as the council may require or as may be required elsewhere in this charter.

Section 503. Same – Bond.

The finance officer shall provide a bond with such corporate surety and in such amount as the council by ordinance may require.

Section 504. Fiscal Year.

The town shall operate on an annual budget. The fiscal year of the town shall begin on the first day of July in any year and shall end on the last day of June in the following year. This fiscal year constitutes the tax year, the budget year, and the accounting year.

Section 505. Budget.

The town manager on such date as the council by ordinance determines, but at least thirty-two days before the beginning of any fiscal year, shall submit a budget to the council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the town office, open to public inspection by anyone during normal business hours.

Section 506. Same – Adoption.

Before adopting the budget, the council shall hold a public hearing thereon after two weeks' notice thereof in some newspaper or newspapers having general circulation within the municipality. The council may insert new items or may increase or decrease the items of the budget. If the council increases the total proposed expenditures, it shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the council is necessary for adoption.

Section 507. Appropriations.

No public money may be expended without having been appropriated by the council. From the effective date of the budget, the several amounts stated therein as proposed

expenditures shall be and become appropriated to the several objects and purposes named therein.

Section 508. Transfer of Funds.

Any transfer of funds between major appropriations for different purposes must be approved by the council before becoming effective.

Section 509. Overexpenditures Forbidden.

No officer or employee during any budget year may expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purposes, in excess of the amounts appropriated for or transferred to that general classification expenditure pursuant to this charter. Any contract, verbal or written, made in violation of this charter is null and void. Nothing in this section contained, however, prevents the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which the contract is made, when the contract is permitted by law.

Section 510. Appropriations Lapse After One Year.

All appropriations lapse at the end of the budget year to the extent that they are not expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered as surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year.

Section 511. Checks.

The Council by Resolution shall designate the persons to sign checks for the Town issued in payment of salaries or other Municipal obligations. The Council shall review all expenditures at least once each month. (Res. No. 129, 11-23-84.)

Section 512. Taxable Property.

All real property and all tangible personal property within the corporate limits of the town, or personal property which may have a situs there by reason of the residence of the owner therein, is subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly.

Section 513. Budget Authorizes Levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax constitutes a determination of the amount of the tax levy in the corresponding tax year.

Section 514. Notice of Tax Levy.

Immediately after the levy is made by the council in each year, the finance officer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the town. The finance officer shall make out and mail or deliver in person to each taxpayer or his or her agent at his last known address a bill or account of taxes due. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this charter all taxes levied on the property.

Section 515. When Taxes are Overdue.

The taxes provided for in this charter are due and payable on the first day of July in the year for which they are levied and are overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate of one per centum (1%) for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the following January shall be collected as provided below. (Res. No. 134, 5-24-85.)

Section 516. Sale of Tax-Delinquent Property.

A list of all property on which the town taxes have not been paid and which are in arrears as provided by this Charter shall be turned over by the Finance Officer to the official of the County responsible for the sale of tax-delinquent property as provided in State law. All property listed thereon, if necessary, shall be sold for taxes by this County official, in the manner prescribed by State law. (Res. No. 143, 3-28-86.)

Section 517. Fees.

All fees received by an officer or employee of the town government acting in an official capacity shall belong to the town government and be accounted for to the town.

Section 518. Audit.

The financial books and accounts of the town shall be audited annually as required by the Annotated Code of Maryland.

Section 519. Tax Anticipation Borrowing.

During the first six months of any fiscal year, the town may borrow in anticipation of the collection of the property tax levied for that fiscal year, and may issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than eighteen months after they are issued. No tax anticipation notes

or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the town to exceed fifty per centum (50%) of the property tax levy for the fiscal year in which the notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 520. Authority for Other Borrowing; Limitation on Borrowing.

(a) In addition to the authority provided for in section 519 of this charter with respect to tax anticipation borrowings, the town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or other evidences of indebtedness in the manner prescribed in this section.

(b) As determined by or provided for in the authorizing ordinance or resolution of the Council, the bonds, notes or other evidences of indebtedness of the town may be issued and sold:

(1) By private (negotiated) sale without advertisement or solicitation of competitive bids or by the solicitation of competitive bids at public sale after publication of the notice of sale in the manner prescribed by public general law (which competitive bids may be delivered by electronic or facsimile means or by any other commercially reasonable manner determined by the Council by ordinance or resolution);

(2) For a price or prices which may be at, above or below the par value of the bonds, notes or other evidences of indebtedness;

(3) At a rate of interest or rates of interest that may be fixed or variable or may be determined by a method approved or provided for by the Council; and

(4) For either case or other valuable consideration.

(c) The ordinance or resolution that authorizes the bonds, notes or other evidences of indebtedness may provide for their redemption prior to maturity and for the manner of publishing or otherwise giving notice to such redemption.

(d) The town may enter in agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of or as security for the bonds, notes or other evidences of indebtedness and for securing any tender option granted to holders thereof.

(e) The official signatures and seals affixed to any of the bonds, notes or other evidences of indebtedness may be imprinted in facsimile.

(f) The power and obligation of the town to borrow moneys for any purpose pursuant to this section, whether by the issuance of bonds, notes or any other evidences of indebtedness, shall be limited to a total amount outstanding at the time any such debt is incurred of not more than twenty percent (20%) upon the assessable basis of the town. Any outstanding tax

anticipation borrowing incurred in accordance with section 519 of this charter shall not be included in the calculation of the amount of debt outstanding at any time pursuant to this subsection (f).

(g) The provisions of this section 520 shall not apply to any tax anticipation borrowing incurred in accordance with section 519 of this charter.

(h) All bonds, notes or other evidences of indebtedness validly issued by the town previous to the effective date of this charter, as amended, and all ordinances and resolutions passed concerning them, are hereby declared to be valid, legal and binding and of full force and effect as if herein fully set forth. (Res. No. 11, 1-5-01.)

Section 521. Payment of Indebtedness.

The power and obligation of the town to pay any and all bonds, notes, or other evidences of indebtedness issued by it under the authority of this charter shall be unlimited and the town shall levy ad valorem taxes upon all the taxable property of the town for the payment of such bonds, notes, or other evidences of indebtedness and interest thereon, without limitation of amount. The faith and credit of the town is hereby pledged for the payment of the principal of and the interest on all bonds, notes, or other evidences of indebtedness issued under the authority of this charter, whether or not such pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance.

Section 522. Previous Issues.

All bonds, notes, or other evidences of indebtedness validly issued by the town previous to the effective date of this charter and all ordinances passed concerning them are hereby declared to [be] valid, legal, and binding and of full force and effect as if herein fully set forth.

Section 523. Purchasing and Contracts.

All purchases and contracts for the town government shall be made by the town manager. The council may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than five thousand dollars (\$5,000) shall be made on written contract. The town manager shall advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. The written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the council before becoming effective. The town manager may reject all bids and re-advertise. The town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or re-advertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the town may require. (Res. No. R-2-97, 4-25-97.)

ARTICLE VI

Town Manager

Section 601. Appointment; Qualifications; Compensation.

The Council shall appoint a town manager who shall serve for an indefinite period at its pleasure. The Council shall set the compensation and determine the conditions of employment of the manager. The manager shall be appointed solely on the basis of executive and administrative qualifications and need not be a resident of the city or state at the time of entering employment but may reside outside the city while in office only with the approval of the Council.

Section 602. Powers and Duties of the Town Manager.

The Town Manager shall be the chief administrative officer of the city, and shall be responsible to the Council for the administration of all city affairs assigned under this charter or by direction of the Council. The Town Manager shall be responsible for formulating policies required to deal with the overall problems of the Town and shall be externally involved with any and all relationships involving the Town of Centreville.

The Town Manager shall:

(1) Appoint and, when necessary, suspend or remove any and all Town employees including the heads of the various departments, except as otherwise provided by this charter or by law. All department heads are administratively responsible to the Town Manager. The Manager may delegate his or her assigned duties to the various department heads.

(2) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law.

(3) Attend all council meetings and shall have the right to take part in discussion but may not vote.

(4) Prepare and present an annual budget to be submitted to the council.

(5) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

(6) See that all laws, provisions of this charter and acts of the council are faithfully executed.

(7) Submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.

(8) Make such other reports as the council may require concerning the operations of city departments, offices and agencies.

(9) Keep the council fully advised as to the financial condition and future needs of the city and make such recommendations to the council concerning the affairs of the city.

(10) Perform such other duties as are specified in this charter or may be required by the council.

Section 603. Council, Manager and City Employees.

The council shall have the power, including the power of subpoena, to investigate all matters involving city employees and their official duties. The council may require through the town manager any information or records considered important to any investigation and may require through the town manager any employee, including the town manager, to appear before it. However, no councilmember shall, as an individual, contact any city employee concerning the official duties of that employee. The council shall deal with city employees only when acting as a body.

ARTICLE VII

Personnel

Section 701. Authority to Employ Personnel.

The town may employ such officers and employees as it deems necessary to execute the powers and duties provided by this charter or other State law and to operate the town government. The Council may appoint a Chief of Police who shall be responsible for the management and operation of the Town Police Force, and who shall serve for an indefinite period at the Council's pleasure. (Res. No. R-2-97, 4-25-97.)

Section 702. Merit System Authorized.

The town may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose the council may adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. Among other things, these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, a compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations. The town may request and avail itself of the facilities of the Commissioner of State Personnel for the administration of its merit system, as provided in State law.

Section 703. Unclassified and Classified Service.

(a) *Civil service divided into unclassified and classified service.* – The civil service of the town shall be divided into the unclassified and classified service.

(b) *Unclassified service.* – The unclassified service shall comprise the following offices and positions, which shall not be included within the merit system:

(1) The councilmembers, and persons appointed to fill vacancies in these positions.

(2) The town manager, the town attorney, heads of all offices, departments and agencies, members of town boards and commissions, and any other position in which the incumbent shall be officially designated as an officer of the town.

(3) Part-time, temporary and unpaid offices and positions.

(c) *Classified service.* – The classified service shall comprise all positions not specifically included by this section in the unclassified service. All offices and positions included in the classified service shall be subject to any merit system rules and regulations which may be adopted.

Section 704. Prohibitions and Penalties.

(a) *Prohibitions.* – No person in the classified service of the town or seeking admission thereto shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of his political or religious opinions or affiliations or any other factors not related to ability to perform the work; no person shall willfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this charter or of the rules and regulations made thereunder; no officer or employee in the classified service of the town shall continue in such position after becoming a candidate for nomination or election to any public office; no person seeking appointment to or promotion in the classified service of the town shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or on account of or in connection with his appointment, proposed appointment, promotion, or proposed promotion.

(b) *Penalties.* – Any person who by himself or with others willfully or corruptly violates any of the provisions of the [this] section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for a term not exceeding ninety days, or by both such fine and imprisonment. Any person who is convicted under this section for a period of five years is ineligible for appointment to or employment in a position in the town service, and, if he be an officer or employee of the town, shall immediately forfeit the office or position he holds.

Section 705. Retirement System.

The town may do all things necessary to include its officers and employees, or any of them, within any retirement system or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the town.

Section 706. Compensation of Employees.

The compensation of all officers and employees of the town shall be set from time to time by an ordinance passed by the council, subject to the restrictions imposed upon establishing the salaries of the councilmembers.

Section 707. Employee Benefit Program.

The town by ordinance may provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and may expend public moneys of the town for such programs.

ARTICLE VIII
Public Ways and Sidewalks

Section 801. Definition of Public Ways.

The term “public ways” as used in this charter includes all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys.

Section 802. Control of Public Ways.

The town has control of all public ways in the town except those that are under the jurisdiction of the State Highway Administration. Subject to the laws of the State of Maryland and this charter, the town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the town.

Section 803. Powers of Town as to Public Ways.

The town may:

- (1) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any town public way or part thereof, bridges, curbs, and gutters.
- (2) Grade, lay out, construct, open, extend, and make new town public ways.
- (3) Grade, straighten, widen, alter, improve, or close up any existing town public way or part thereof.
- (4) Pave, surface, repave, or resurface any town public way or part thereof.
- (5) Install, construct, reconstruct, repair, and maintain curbs and/or gutters along any town public way or part thereof.

- (6) Construct, reconstruct, maintain, and repair bridges.
- (7) Name town public ways.
- (8) Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.
- (9) Acquire property, by purchase, lease or eminent domain, incident to the rights of way necessary for street construction.

Section 804. Powers of Town as to Sidewalks.

The town may:

- (1) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on town property along any public way or part thereof.
- (2) Grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on town property along any public way or part thereof.
- (3) Require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.
- (4) Require and order the owners of any property abutting on any public way in the town to perform, on said owners property, any project authorized by this section at the owner's expense, and according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are town taxes or by suit at law. (Res. No. 140, 2-7-86.)

ARTICLE IX
Water and Sewers

Section 901. Powers of Town.

The town may:

- (1) Construct, operate and maintain a water system and water plant.
- (2) Construct, operate and maintain a sanitary sewerage system and a sewage treatment plant.
- (3) Construct, operate and maintain a storm water drainage system and storm water sewers.

(4) Construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.

(5) Have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.

(6) Do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

Section 902. Placing Structures in Public Ways.

Any public service corporation, company, or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe, or other structure in the public ways of the town, shall submit plans to the town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the town. Any public service corporation, company, or individual violating the provisions of this section is guilty of a misdemeanor. If any unauthorized main, conduit, pipe, or other structure interferes with the operation of the water, sewerage, or storm water systems, the town may order it removed.

Section 903. Obstructions.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the town or in the county which impede the establishment, construction, or operation of any town sewer or water main, upon reasonable notice, shall remove or adjust the obstructions at their own expense to the satisfaction of the town. If necessary to carry out the provisions of this section, the town may use its condemnation powers. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 904. Entering on County Public Ways.

The town may enter upon or do construction in, on, or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this charter. Unless required by the county, the town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in condition not inferior to that existing before.

Section 905. Connections.

The town shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the town, all abutting property owners

after reasonable notice shall connect all fixtures with the water or sewer main. The town may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sinkdrains, and privies be abandoned, filled, removed or left in such a way as not [to] injure public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 906. Same – Charge.

The town may make a charge, the amount to be determined by the council, for each connection made to the town's water or sewer mains. This charge shall be uniform throughout the town, but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made.

Section 907. Changes in Plumbing, etc., to Prevent Waste or Improper Use.

In order to prevent any leakage or waste of water or other improper use of the town's water system or sewage disposal system, the town may require such changes in plumbing, fixtures, or connections as it deems necessary to prevent such waste or improper use.

Section 908. Private Systems.

The town by ordinance may provide that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drains, or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort or health may be deemed a nuisance and may be abated by the town. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section 909. Extensions Beyond Boundaries.

The town may extend its water or sewerage systems beyond the town limits.

Section 910. Right of Entry.

Any employee or agent of the town, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the town, has a right of entry, for access to water or sewer installations, at all reasonable hours, and after reasonable advance notice to the owner, tenant, or person in possession, upon any premises and into any building in the town or in the county served by the town's water or sewage disposal system. Any restraint or hindrance offered to the entry by any owner, tenant, or person in possession, or the agent of any of them, by ordinance, may be made a misdemeanor.

Section 911. Pollution of Water Supply.

No person shall do anything which will discolor, pollute, or tend to pollute any water used or to be used in the town water supply system. Any violation of the provisions of this section is a misdemeanor.

Section 912. Contracts for Service.

The town, if it deem it advisable, may contract with any party or parties inside or outside the town, to obtain water or to provide for the removal of sewage.

Section 913. Charges.

The town may charge and collect such service rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the town, and if bills are unpaid within thirty days, the service may be discontinued. All charges shall be a lien on the property collectible in the same manner as town taxes or by suit at law.

ARTICLE X

Chesterfield Cemetery

Section 1001. Chesterfield Cemetery Department.

There shall be a department of the town known as the “Chesterfield Cemetery Department,” the head of which may be appointed by the town manager. This department head shall serve at the pleasure of the town manager.

Section 1002. Powers.

The town through the Chesterfield Cemetery Department shall have full power and control over the Chesterfield Cemetery, as it now exists in the town and shall have the following additional powers:

(1) To regulate or prohibit the interment of bodies and to authorize the removal of bodies now or hereafter buried.

(2) To provide schedules or rates for the annual and perpetual upkeep and care of the burial lots in the cemetery.

(3) To establish a schedule of rates for the opening and closing of graves in any lots of the cemetery.

(4) To provide for the collection of charges for upkeep and care by prohibiting the opening of graves until any and all delinquent charges have been paid in full.

(5) To acquire by purchase, lease, gift, devise or by condemnation in the manner prescribed in the Real Property article of the Annotated Code of Maryland, and such additional land as the town may deem necessary to add to Chesterfield Cemetery for the interment of bodies.

(6) To sell burial lots or graves for the sole purpose of sepulture on such terms and conditions as the town may from time to time prescribe.

Section 1003. Revenues.

The yearly revenue and receipts of the Chesterfield Cemetery shall be kept with the other funds of the town in its general account but such revenue and receipts will be marked specifically so that it will be shown which department they are connected with, and the same shall be expended in the following order:

(1) To pay the yearly operating expenses of the cemetery.

(2) To pay the interest on and the redemption of all bonds falling due in such year, which from time to time have been or will be issued, to improve, sustain or enlarge the cemetery.

(3) To pay for all capital improvements to the cemetery incurred during each year.

(4) To retain any balance for the enlargement, improvement or betterment of the cemetery.

Section 1004. Perpetual Care Funds.

All funds received in the nature of perpetual care for lots in the cemetery shall be invested in bonds of the United States, the State of Maryland or any of its political subdivisions, or in bank deposits providing said bank deposits are fully secured by bonds of the United States, the State of Maryland, or any political subdivision of the State of Maryland and the yearly interest from the same only shall be expended for the operation of the cemetery.

ARTICLE XI

Special Assessments

Section 1101. Power of Town to Levy Special Assessments.

The town may levy and collect taxes in the form of special assessments upon property in a limited and determinable area for specific benefits conferred upon the property by the installation or construction, of water mains, sanitary sewer mains, storm water sewers, curbs, and gutters and by the construction, and paving of public ways and sidewalks or parts thereof, and it

may provide for the payment of all or any part of the above projects out of the proceeds of the special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative [administrative] staff of the town, and any other item of cost which may reasonably be attributed to the project.

Section 1102. Procedure.

(a) *Provided.* – The procedure for special assessments, wherever authorized in this charter, is as provided in this section.

(b) *Assessment of cost.* – The cost of the project being charged for shall be assessed according to the front rule of apportionment or some other equitable basis determined by the council.

(c) *Amount.* – The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which causes the total amount of special assessments levied by the town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per centum (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

(d) *Uniformity of rates.* – When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

(e) *Levy of charges: public hearing: notice.* – All special assessment charges shall be levied by the council by ordinance. Before levying any special assessment charges, the council shall hold a public hearing. The town shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments to which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the town. The town shall present at the hearing a certificate of publication and mailings of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the town shall have completed publication and service of notice as provided in this section. Following the hearing, the council, in its discretion, may vote to proceed with the project and may levy the special assessment.

(f) *Right to appeal.* – Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the circuit court for the county within ten days after the levying of any assessment by the council.

(g) *Payments: interest.* – Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten years, and in such manner as the council may determine. The council shall determine on what date installments shall be due and payable. Interest may be charged on all installments at the rate to be determined by the council.

(h) *When due: lien on property: collection.* – All special assessment installments are overdue six months after the date on which they became due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as town taxes or by suit at law.

ARTICLE XII

Town Property

Section 1201. Acquisition, Possession and Disposal.

The town may acquire real, personal, or mixed property for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the town. All municipal property, funds, and franchises of every kind belonging to or in the possession of the town (by whatever prior name known) at the time this charter becomes effective are vested in the town, subject to the terms and conditions thereof.

Section 1202. Condemnation.

The town may condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this charter or any other State law applicable to the town is a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in Title 12 of the Real Property Article of the Code.

Section 1203. Town Buildings.

The town may acquire, obtain by lease or rent, purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the town government.

Section 1204. Protection of Town Property.

The town may do whatever may be necessary to protect town property and to keep all town property in good condition.

Section 1205. Proceeds from Sale of Electric Plant.

The proceeds arising from the sale of the municipal electric lighting and power system of the Town of Centreville shall be paid into a fund separate from all other funds of the Town of Centreville and to be known as the “Investment Fund” and shall be promptly invested in such one or more of the following securities as the Town Council of the Town of Centreville may determine and direct:

- (1) direct obligations of or obligations insured or guaranteed by the United States of America;
- (2) bonds, debentures, notes or other evidences of indebtedness issued by any of the following municipalities or agencies: the Town of Centreville, Bank for Cooperatives; Federal Intermediate Credit Banks; Federal Home Loan Bank System; Export–Import Bank of the United States; Federal Land Banks; the Government National Mortgage Association; Tennessee Valley Authority; or Washington Metropolitan Area Transit Authority; and
- (3) time deposits or certificates of deposit secured by obligations described in (1) or (2) above.

A minimum of ten percent (10%) of the yearly income generated by the above investments shall be added to the principal of the said Investment Fund. Ten percent (10%) of the balance of the yearly income generated by the Investment Fund shall be used to retire the debt created by the acquisition and construction costs of the Town of Centreville Industrial Park. The remaining balance of the yearly income generated by the Investment Fund may, in the discretion of the Town Council of the Town of Centreville, be transferred to the general funds of the Town of Centreville. Any income generated by the said Invest [Investment] Fund which is not transferred to the general funds, nor used to retire the acquisition and construction costs of the Town of Centreville Industrial Park, shall be invested in the securities described in (1), (2) or (3) above.

Before the Town Council of the Town of Centreville shall expend any of the principal of the Investment Fund, including additions made to the principal of the Investment Fund as mandated or permitted in the above paragraph, it shall be necessary that the question of such expenditure be submitted to the qualified voters of said town at a special election to be called by the Town Council. A majority vote in favor of such expenditure shall be required in order to authorize any such expenditure. This section shall not be construed to limit or prevent any expenditures of income from the aforesaid investments which has been validly transferred to the general funds of the town under the provisions hereof. (Res. No. 198, 5–21–93.)

ARTICLE XIII General Provisions

Section 1301. Oath of Office.

(a) *Oath required.* – Before entering upon the duties of their offices, the councilmembers, the town manager, the members of the board of supervisors of elections, and all other persons elected or appointed to any office of profit or trust in the town government shall take and subscribe to the following oath or affirmation: “I....., do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of..... according to the Constitution and laws of this state.”

(b) *Before whom taken and subscribed.* – The members of the council shall take and subscribe to this oath or affirmation before the clerk of the circuit court for the county or before one of the sworn deputies of the clerk. All other persons taking and subscribing to the oath shall do so before the president of the council.

Section 1302. Official Bonds.

The finance officer and such other officers or employees of the town as the council or this charter may require, shall give bond in such amount and with such surety as may be required by the council. The premiums on such bonds shall be paid by the town.

Section 1303. Prior Rights and Obligations.

All right, title, and interest held by the town or any other person or corporation at the time this charter is adopted, in and to any lien acquired under any prior charter of the town, and hereby preserved for the holder in all respects as if this charter had not been adopted, together with all rights and remedies in relation thereto. This charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at the time this charter becomes effective. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this charter had not become effective.

Section 1304. Effect of Charter on Existing Ordinances.

(a) *Ordinance, etc., not in conflict with charter remain in effect.* – All ordinances, resolutions, rules, and regulations in effect in the town at the time this charter becomes effective which are not in conflict with the provisions of this charter shall remain in effect until changed or repealed according to the provisions of this charter.

(b) *Ordinances, etc., in conflict with charter repealed.* – All ordinances, resolutions, rules, and regulations in effect in the town at the time this charter becomes effective which are in conflict with the provisions of this charter are repealed to the extent of such conflict.

Section 1305. Separability.

If any section or part of section of this charter is held invalid by a court of competent jurisdiction, this holding shall not affect the remainder of this chapter or the context in which such section or part of section so held invalid appears, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

ARTICLE XIV

Repealed. See Appendix I.

APPENDIX I

Urban Renewal Authority for Slum Clearance

(See Note (1))

Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal Government” shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum Area” shall mean any area where dwellings predominate, which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (d) “Blighted Area” shall mean an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) “Urban Renewal Project” shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include —
 - (1) acquisition of a slum area or a blighted area or portion thereof;
 - (2) demolition and removal of buildings and improvements;
 - (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this sub-heading in accordance with the urban renewal plan;
 - (4) disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
 - (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
 - (6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate

obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

(7) the preservation, improvement or embellishment of historic structures or monuments.

(f) “Urban Renewal Area” shall mean a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

(g) “Urban Renewal Plan” shall mean a plan, as it exists from time to time, for an urban renewal project, which plan shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

(h) “Bonds” shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(i) “Person” shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) “Municipality” shall mean the Town Commissioners of Centreville.

Section A1-102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this appendix are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this appendix is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expended and public credit extended in

furtherance thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper to carry into full force and effect the specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section.

(1) to make or have made all surveys and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify and amend such plans, which plans may include but shall not be limited to: (i) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (ii) plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and (iii) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the Federal Government for such purposes;

(2) to prepare plans for the relocation of persons (including families, business concerns and others) displaced from an urban renewal area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government;

(3) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this appendix, including the payment or reimbursement of reasonable actual costs incurred as a result of utility relocations when such relocations are made necessary by an urban renewal project, after making appropriate adjustment for any improvements or betterments to the utility's facilities made in connection with the relocation; and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds.[:]

(4) to hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; to insure or provide for the insurance of such property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

(5) to make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreement with any other public bodies or agencies (which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any contract for financial assistance with the Federal Government for or with respect to an urban

renewal project and related activities such conditions imposed pursuant to Federal laws as the municipality may deem reasonable and appropriate;

(6) to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from the Circuit Court for the county in which the municipality is situated in the event entry is denied or resisted;

(7) to plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project; and to make exceptions from building regulations;

(8) to generally organize, coordinate and direct the administration of the provisions of this appendix as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved;

(9) to exercise all or any part or combinations of powers herein granted.

Section A1-103. Establishment of Urban Renewal Agency.

The municipality may itself exercise all the powers granted by this appendix or may, if its legislative body by ordinance determines such action to be in the public interest, elect to have such powers exercised by a separate public body or agency as hereinafter provided. In the event said legislative body makes such determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix. Such ordinance shall include provisions establishing the number of members of such public body or agency, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of said public body or agency as may be necessary. In the event the legislative body enacts such an ordinance, all of the powers by this appendix, granted to the municipality shall, from the effective date of said ordinance, be vested in the public body or agency thereby established, except:

(1) The power to pass a resolution to initiate an urban renewal project pursuant to Section A1-104 of this appendix.

(2) The power to issue general obligation bonds pursuant to Section A1-109 of this appendix.

(3) The power to appropriate funds, and to levy taxes and assessments pursuant to Section A1-102(3) of this appendix.

Section A1-104. Initiation of Project.

In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which

- (1) finds that one or more slum or blighted areas exist in such municipality;
- (2) locates and defines the said slum or blighted areas;
- (3) finds that the rehabilitation, redevelopment, or a combination thereof, of such area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

Section A1-105. Preparation and Approval of Plan for Urban Renewal Project.

(a) The municipality, in order to carry out the purposes of this appendix, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality, for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty days after receipt of the plan for review; upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that: (1) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms to the master plan of the municipality as a whole; and (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

(b) An urban renewal plan may be modified at any time, provided that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will substantially change the urban renewal plan as previously approved by the municipality, the modification shall be formally approved by the municipality as in the case of an original plan.

(c) Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

Section A1-106. Disposal of Property in Urban Renewal Area.

(a) The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part or parts of such contract or plan as the municipality may determine) may be recorded in the Land Records of the county in which the municipality is situated in such manner as to afford actual or constructive notice thereof.

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this sub-section. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall

state that proposals shall be made by those interested within a specified period of not less than sixty days after the first day of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposal to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this appendix. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) The municipality may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of sub-section (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this appendix shall be conclusively presumed to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchaser, lessees or transferees of such property is concerned.

Section A1-107. Eminent Domain.

Condemnation of land or property under the provisions of this appendix shall be in accordance with the procedure provided in the Real Property Article of the Code.

Section A1-108. Encouragement of Private Enterprise.

The municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this appendix, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of any urban renewal area by private enterprise. The municipality shall give consideration to this objective in exercising its powers under this appendix.

Section A1-109. General Obligation Bonds.

For the purpose of financing and carrying out [of] an urban renewal project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorizations of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

Section A1-110. Revenue Bonds.

(a) In addition to the authority conferred by Section A1-109 of this appendix, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this appendix; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an Indenture of Trust with any private banking institution of this State having trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in Sections 9, 10, and 11 of Article 31 of the Annotated Code of Maryland (1957 Edition, as amended). Bonds issued under the provisions of this Article are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality and may be issued in one or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality [of] not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix shall cease to be such officials before the delivery of such bond or, in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this appendix or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this appendix.

(g) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

Section A1-111. Separability.

If any provision of this appendix, or the application thereof to any person or circumstances, is held invalid, the remainder of the appendix and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. The powers conferred by this appendix shall be in addition and supplemental to the powers conferred by any other law.

Section A1-112. Short Title.

This appendix shall be known and may be cited as the Centreville Urban Renewal Authority for Slum Clearance Act.

Section A1-113. Authority to Amend or Repeal.

This appendix, enacted pursuant to Article III, Section 61 of the Constitution of Maryland, may be amended or repealed only by the General Assembly of Maryland.

NOTES

(1) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the Town of Centreville in Chapter 348 of the Acts of the General Assembly of 1963.

Starting with the 1997 Supplement to the *Public Local Laws of Maryland – Compilation of Municipal Charters*, the urban renewal powers for slum clearance for the Town of Centreville appear as this appendix in accordance with 80 *Opinions of the Attorney General* _____ (1995) [Opinion No. 95–037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.

Formerly, the urban renewal powers appeared as Article XIV, Sections 1401 through 1411, inclusive, of the Charter.

(2) Resolution Number 203, effective October 2, 1994, provided for the addition of a new Section 106 in this Charter to reflect the annexation of property. However, since the Charter does not contain a Section 105, the description of this annexation will be included in this Charter as Section 105.

(3) Resolution 08–01, effective February 17, 2002, provided for the annexation of 184.015 acres of land, more or less. Resolution 09–01, effective February 17, 2002, provided for the annexation of 47.923 acres of land, more or less. Resolution 02-2009, effective December 20, 2009, provided for the annexation of 1.442 acres of land, more or less. Resolution 04-2010, effective November 21, 2010, provided for the annexation of 185.752 acres of land, more or less. These resolutions, however, failed to provide for the change in the boundary description that is contained in this Charter. Accordingly, these annexations are simply noted pursuant to the municipal general powers section of this Charter.

